

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

REBECCA T. SHUMYE,

No. C-06-3322 MMC

Plaintiff,

v.

**ORDER DENYING PLAINTIFF'S
REQUEST FOR CERTIFICATE OF
APPEALABILITY**

SAMUEL D. FELLEKE,

Defendant

The Court is in receipt of plaintiff's "Request for Certificate [sic] of Appealability," filed September 17, 2008. Having read and considered the request, the Court rules as follows.

The Court construes plaintiff's request as a motion, pursuant to 28 U.S.C. § 1292(b), to certify for interlocutory appeal the Court's order of April 4, 2008, issued by the Honorable Martin J. Jenkins and titled "Order: (1) Granting in Part and Denying in Part Defendant's Motion for Summary Judgment [and] (2) Denying Plaintiff's Motion for Summary Judgment." So construed, the request lacks merit.

First, on April 22, 2008, the Court denied plaintiff's application to certify for interlocutory appeal the April 4, 2008 order; plaintiff fails to identify any cognizable ground for reconsideration of the April 22, 2008 denial. Second, plaintiff has, again, failed to show that the April 4, 2008 order is appropriate for certification for interlocutory appeal; plaintiff's disagreement with the April 4, 2008 interlocutory order is insufficient.

Accordingly, plaintiff's request is hereby DENIED.

IT IS SO ORDERED.

Dated: September 22, 2008


MAXINE M. CHESNEY
United States District Judge